

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARIA FLORES,

Plaintiff,

-vs-

EMPIRE CLEANERS INC. and DAE HOON HA,

Defendants.

**08 CIV. 2039 (JGK)**

**ANSWER CONTAINING  
AFFIRMATIVE DEFENSES**

ECF CASE

**DEFENDANTS EMPIRE CLEANERS INC. and DAE HOON HA  
BY THEIR ATTORNEY, THE LAW OFFICE OF JONATHAN Y. SUE,  
FOR THEIR ANSWER HEREIN:**

FIRST: Denies each and every allegation contained within the Paragraphs numbered: **3; 4; 5; 6; 25; 26; 27; 28; 31; 34; 35; 36; 37; 38; 42; 43; 44; 45; 48; 49; 50; 51; 55; 56; 57; 58; 60; 61; 62; 63; 64** and the *ad damnum* paragraph of the complaint herein.

SECOND: Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraphs numbered: **1; 2; 7; 8; 9; 10; 11; 12; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 29; 30; 32; 33; 39; 40; 41; 46; 47; 52; 53; 54 and 59** of the complaint herein.

THIRD: Admits each and every allegation contained in Paragraph numbered **13** of the complaint herein and leaves all questions of law to the Court.

**AS AND FOR A FIRST SEPARATE AFFIRMATIVE COMPLETE AND/OR  
PARTIAL DEFENSE, DEFENDANTS ALLEGE:**

FOURTH: That, the plaintiff's complaint fails to set forth facts sufficient upon which to base a cause of action against the defendants.

FIFTH: As a result of the foregoing, the plaintiff's complaint must be dismissed as

a matter of law.

**AS AND FOR A SECOND SEPARATE AFFIRMATIVE COMPLETE AND/OR PARTIAL DEFENSE, DEFENDANTS ALLEGE:**

SIXTH: Plaintiff is estopped from bringing this action.  
SEVENTH: As a result of the foregoing, plaintiff's complaint must be dismissed as a matter of law.

**AS AND FOR A THIRD SEPARATE AFFIRMATIVE COMPLETE AND/OR PARTIAL DEFENSE, DEFENDANTS ALLEGE:**

EIGHTH: Plaintiff is barred from bringing this action based on the doctrine of Laches.  
NINTH: As a result of the foregoing, plaintiff's complaint must be dismissed as a matter of law.

**AS AND FOR A FOURTH SEPARATE AFFIRMATIVE COMPLETE AND/OR PARTIAL DEFENSE, DEFENDANTS ALLEGE:**

TENTH: Statute of limitations.  
ELEVENTH: As a result of the foregoing, plaintiff's complaint must be dismissed as a matter of law.

**AS AND FOR A FIFTH SEPARATE AFFIRMATIVE COMPLETE AND/OR PARTIAL DEFENSE, DEFENDANTS ALLEGE:**

TWELFTH: Defendants at all relevant times complied with all applicable statutes and laws and therefore, plaintiff cannot recover punitive or liquidated damages.  
THIRTEENTH: As a result of the foregoing, plaintiff's complaint must be dismissed as a matter of law.

**AS AND FOR A SIXTH SEPARATE AFFIRMATIVE COMPLETE AND/OR PARTIAL DEFENSE, DEFENDANTS ALLEGE:**

FOURTEENTH: Defendants reserve the right to assert additional defenses as plaintiff's claims are clarified in the course of this litigation.

**WHEREFORE**, Defendants respectfully demand judgment as follows:

- (a) dismissing plaintiff's complaint with prejudice, together with the costs and disbursements of this action and reasonable attorneys' fees;
- (b) such other and further relief in favor of Defendants as this Court may deem just and proper.

Dated: New York, New York

April 17, 2008

LAW OFFICE OF JONATHAN Y. SUE

/s/ Jonathan Sue

By: Jonathan Y. Sue (JS / 0738)  
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